

**MINUTES OF THE
CITY PLANNING COMMISSION
JULY 7, 2006
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:15 a.m.

Commission Members:

Present: Caleb Faux, Jacquelyn McCray, David Rager, Rainer vom Hofe and James Tarbell

Community Development and Planning Staff: Katherine Keough-Jurs, Bonnie Holman, Rodney Ringer, Jennifer Walke, Felix Bere, Adrienne Cowden, and Caroline Kellam.

Law Department:

Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the June 16, 2006 Planning Commission meeting for approval.

Motion:	Ms. McCray moved approval of the minutes.
Second:	Mr. vom Hofe
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Rager, and Mr. vom Hofe
Nays:	None, motion carried

CONSENT ITEMS

Ms. McCray requested that Item #3 be moved to the Discussion Items to allow for additional questions and discussion.

ITEM #1 A report and recommendation authorizing the City Manager to enter into a Joint Usage Agreement with The Clifton Cultural Arts Centre for the parking lot and outdoor area of the Clifton Recreation Center.

ITEM #2 A report and recommendation authorizing the City Manager to enter into and execute a lease with the Burnet Properties, LLC, for real property located at the northeast corner of Burnet Avenue and McMillan Street.

ITEM #4 An ordinance authorizing the sale of Dolores Alley, in Avondale, to the Hamilton County Alcohol and Drug Addiction Services Board.

Motion: Ms. McCray moved approval of Consent Items #1, #2, and #4
Second: Mr. Rager
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Rager, and Mr. vom Hofe
Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #3 An ordinance authorizing the sale of Gerard Street, between Martin Luther King Drive and Stetson Street in Corryville.

BACKGROUND: Corryville Community Development Corporation (CCDC), an Ohio non-profit corporation, has petitioned that the City of Cincinnati sell them a portion of Gerard Street, between Martin Luther King Drive and Stetson Street in the Corryville community.

The CCDC and the Board of Trustees of the University of Cincinnati own all of the land abutting Gerard Street at this location and the Board of Trustees of the University of Cincinnati have consented to the sale to the CCDC.

CCDC is completing the construction of the Stetson Square project and the sale of land will facilitate the development by increasing the number of residential units in the City by creating 205 market rate rental units and up to 80 for sale housing units. The sale of land is consistent with the City's current fiscal strategy to divest itself of non-productive land that has a limited use.

An appraisal of the Property indicates that the fair market value is \$32,000. However, the sale price is \$100.00 because the land sale will enhance home ownership opportunities and increase the number of market-rate residential units within the City.

RECOMMENDATION:

The staff of the City Planning Department recommended that the City Planning Commission take the following action:

Authorize the sale of Gerard Street, between Martin Luther King Drive and Stetson Street in Corryville, which real property is no longer needed for any municipal purpose, to the Corryville Community Development Corporation.

DISCUSSION

Ms. McCray stated that the map included in the staff report showed a private property abutting Gerard Street and questioned the discrepancy.

Mr. Michael Jackson, City of Cincinnati Real Estate Department, stated CCDC had recently purchased the property.

Motion: Ms. McCray moved approval of Item #3
Second: Mr. vom Hofe
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Rager, and Mr. vom Hofe
Nays: None, **motion carried**

ITEM #5 A report and recommendation on a proposed zone change from SF-2 Residential Single Family District to CC-M Commercial Community - Mixed District at 4306 Plainville Road in Madisonville.

GENERAL INFORMATION:

Petitioners: Matthew A. Seta
4306 Plainville Road
Cincinnati, OH 45227

Purpose: To allow for commercial uses on all portions of two parcels under single ownership spanning two jurisdictions - the City of Cincinnati and Columbia Township. The portion in Columbia Township has recently been rezoned to allow for commercial uses. This zone change would make the portion in the City of Cincinnati consistent with the rest of the property.

EXISTING CONDITIONS:

The property is approximately 5,000 square feet (or 0.1 acre) in size, and is located along the municipal boundary with Columbia Township to the south and east. The surrounding property in the City is zoned SF-2 to the north and CN-M to the west.

PLANS:

There are currently no Plans for the Madisonville community that encompass or make reference to this property.

BACKGROUND:

Matthew Seta is the owner of the property located at 4306 Plainville Road in Madisonville. Mr. Seta's initial intention was to build a car wash on this site, a proposal that gained the support of the Madisonville Community Council on September 18, 2005.

However, this proposal was not acceptable to either the residential property owners along Bramble Road in Columbia Township or the Columbia Township administration. On

May 24, 2006, the Board of Hamilton County Commissioners held a public hearing on a zoning map amendment from “C” Residence and “E” Retail Business to “EE” Planned Retail Business for the portion of this property located in Columbia Township. Because of the concerns of surrounding property owners and the Columbia Township administration, the hearing was continued to June 7, 2006.

After discussion between the petitioner and the representatives from Columbia Township, the petitioner agreed to alter his plans for a car wash at that site, and instead sell it for another commercial use. To prevent a future buyer from constructing a commercial car wash on this site, the property will be transferred with a deed restriction in place. As a result, the Board of Hamilton County Commissioners voted on June 26, 2006 to modify the zoning map amendment from “C” Residence to “E” Retail Business – “SPI-SC” Special Public Interest – Suburban Corridor. The “SPI-SC” overlay district is in place to provide development standards to ensure compatibility with the surrounding residential community.

PUBLIC COMMENT:

Planning staff held a public conference on this zone change request on December 13, 2005. In attendance were the petitioner and two neighboring property owners from Bramble Road in Columbia Township. The surrounding property owners expressed the following concerns regarding the zone change:

1. A car wash may over-tax local sewers and risk flooding in local basements.
2. The intersection may become more dangerous and could increase traffic on local side streets.
3. The car wash could be open late, create noise and light pollution, and may encourage loitering.
4. Good buffering would be needed between the residential uses and the car wash.

Additional public comment took place at the Hamilton County Regional Planning Commission and Board of County Commissioners meetings, as described in the section above.

ANALYSIS OF THE PROPOSED CHANGE:

A decision on this request for a change of zoning has been delayed for many months so that the petitioner could work with residents and representatives in Columbia Township to resolve their issues with the proposed development. When a solution was reached, the Board of Hamilton County Commissioners was able to make the decision to approve the change in zoning. As the largest portion of this property is in Columbia Township, the City of Cincinnati opted to wait until these issues were resolved to make a decision.

Upon review of this request, it is logical to consent to the change in order to allow for a more coordinated redevelopment of this important corridor. The decision of Hamilton County to apply the “SPI-SC” Special Public Interest – Suburban Corridor zoning district to the bulk of this site will help to ensure that the future development of this site is sensitive to the concerns of the residential community in Columbia Township. The “SPI-

SC” district may consider such development standards as: setbacks, signage, streetscape improvements, parking, vehicular circulation, pedestrian circulation, and architectural character. The change to a CC-M zone on the small portion of the property in the City of Cincinnati will be consistent with the new zoning and will allow for the retail uses desired by both the Madisonville and Columbia Township communities.

CONCLUSIONS:

1. The CC-M Commercial Community - Mixed District zoning would be an appropriate designation for 4306 Plainville Road because it is consistent with the new zoning designation for the additional portion of the property in Columbia Township.
2. The Madisonville community is in support of this change and the petitioners have resolved the issues with representatives from Columbia Township.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommended that City Planning Commission take the following action:

Approve the zone change from SF-2 Residential Single Family District to CC-M Commercial Community - Mixed District at 4306 Plainville Road in Madisonville.

DISCUSSION

Ms. Katherine Keough-Jurs, Senior City Planner presented this item.

Ms. Keough-Jurs gave a brief overview of the zone change request. She stated that only a small section of the 4306 parcel is in the city and the remaining portion of the property is in Columbia Township.

Mr. Rick Lauer, attorney, stated that the property owner Mr. Matthew Seta has agreed to restrict the use of the property so that a car wash would not be built.

Motion:	Mr. Tarbell moved approval of Item #5
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Rager, and Mr. vom Hofe
Nays:	None, motion carried

ITEM #6 A report and recommendation on a proposed zone change for (PD) Planned Development District #35 in the community of Winton Place.

PURPOSE

To determine the appropriate zoning for the Sun Chemical Corporation PD #35 District, which was created as part of the new Zoning Code process.

ADJACENT LAND USE/ZONING:

- North:** Single-family and Park & Recreation uses in the SF-6 Single-Family District.
- South:** Heavy Manufacturing uses in the ME Manufacturing Exclusive District.
- East:** Multi-family, commercial and vacant commercial uses in the RM-2.0 Residential-Multi-family District and CN-P Commercial Neighborhood-Pedestrian District.
- West:** Vacant, single-family and two-family uses in the SF-4 Single-Family District.

BACKGROUND:

In 1974, when the R-5(T) District was expanded, the staff report suggested several recommended conditions or guidelines. At that time, such guidelines had no more standing in the t-zone process than merely suggestions. When the Transitional District Regulations were amended 10 years later, the guidelines became part of the ordinance which had the approval of the City Planning Commission and City Council. The guidelines used for the Sun Chemical property specify those land uses, which may be permitted in the district.

During the development of the new Zoning Code, staff created a (PD) Planned Development Districts on the Sun Chemical Corporation property using the old R-5T District guidelines. This was done because the old t-zones used guidelines much like the new PD District uses a final development plan to regulate the use(s) of a site. This allowed the old t-zone guidelines, to continue to regulate this site.



Figure 1: Existing research building going West on Este Ave.



Figure 2: View of property

ISSUES:

The Sun Chemical Corporation is approximately 15 acres in size. Mr. Herb Benson, a representative from Sun Chemical Corporation stated that, “they do not plan to change the current use of the site, and want to remain a good neighborhood to the surrounding property owners”. Staff believes that the current PD District zoning placed on the site, with the old R-5 (T) guidelines (*see exhibit B*) serving as the final development plan regulations is the appropriate zoning for the property. Rezoning the site to another district such as the ML Manufacturing Limited District would make the site conforming but would eliminate the guidelines protections, which were created to protect the surrounding residences from the existing use.



Figure 3: Abutting commercial property to the East of the Sun Chemical Corporation (intersection of Este Avenue & Kings Run Drive).



Figure 4: Abutting residential property to the West (intersection of East Epworth & Chickering Avenue).

COMMUNITY RESPONSE:

One resident (Harvey Davis) in the vicinity of the proposed site attended the April 25, 2006 staff conference and expressed his support for continuing the PD District. No response has been issued from the Winton Place Community Council regarding the zone change request.

CONCLUSIONS:

1. During the development of the new Zoning Code, staff created a (PD) Planned Development District on the Sun Chemical Corporation property using the old R-5T District guidelines as the final development plan regulations.
2. The property is built out with the Sun Chemical Corporation who wants to remain a good neighbor to surrounding property owners.
3. The existing PD District has the support from abutting residents.
4. Rezoning the site would make the site conforming but would eliminate the t-zone guidelines, which provided protection to the surrounding property owners.

5. Staff believes that the current PD District placed on the site is the appropriate zoning.

RECOMMENDATIONS:

The staff of the Department of Community Development and Planning recommended that the City Planning Commission approve the Planned Development District designation on the Sun Chemical Corporation site, which is currently listed as PD #35 located in the community of Winton Place with the old t-zone regulations serving as the Final Development Plan for the Sun Chemical Corporation Development.

DISCUSSION

Mr. Rodney Ringer, Senior City Planner presented this item.

Mr. Ringer gave a brief summation of the proposed zone change for Planned Development district #35. He stated that staff believes the PD designation is appropriate.

Ms. McCray suggested the Planning Commission withhold approval of the staff report until section 1 under the guidelines are changed to reflect the current zoning designations.

Motion:	Mr. McCray moved to Hold Item #6
Second:	Mr. Rager
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Rager, and Mr. vom Hofe
Nays:	None, motion carried

ITEM #7 A report and recommendation on a zone change request for property bounded by Warsaw, McPherson, Van Vey, and Enright Avenues in the community of East Price Hill.

GENERAL INFORMATION:

Owner/Petitioner: The Kroger Companies
960 Enright Avenue
Cincinnati, Ohio 45205

Agent: Kevin Peyton
130 Tri County Parkway
Cincinnati, Ohio 45246

Request: A change of zoning for the property bounded by Warsaw, McPherson, Van Vey, and Enright Avenues in East Price Hill from an SF-2 Single-Family District and CC-M Commercial

Community-Mixed District to a CC-A Commercial Community Auto-Oriented District.

Staff Conference: On June 15, 2006, a staff conference was held to gather information on the requested zone change for the property bounded by Warsaw, McPherson, Van Vey, and Enright Avenues. All in attendance spoke in support of the study and proposed changes. A summary of the conference is attached.

BACKGROUND:

Zoning History: The existing Kroger store is over 20 years old. Kroger wishes to build a new 63,000 square foot store along with a gasoline island. The City is negotiating with Kroger on providing public assistance for development of the store. Kroger hopes to begin construction this year and complete the work in 2007.

The proposed development will incorporate several properties bounded by Warsaw, McPherson, and Van Vey Avenues in East Price Hill. The company has obtained purchase agreements with the owners of several properties within the development area. However, closings are being held until it is determined whether the zone change will be approved.

On May 24, 2006, City Council passed a motion supporting a zoning change study to accommodate the Price Hill Kroger development. The petitioner has requested that the entire site be rezoned from an SF-2 Single-Family District and CC-M Commercial Community-Mixed District to CC-A Commercial Community Auto-Oriented District. Rezoning this property to CC-A will allow the property owner to replace and upgrade the existing Kroger store.

Previously, the targeted parcels enjoyed 4 different zoning districts namely: B-3, R-4, R-4(T), and R-3. The B-3 and R-4(T) facilitated business establishments and were replaced by the CC-M District. The R-3 and R-4 zoning accommodated housing along Van Vey Avenue and were replaced by the SF-2 as stipulated in the current Zoning Code enacted by City Council on February 13, 2004. The B-3 zoning is equivalent to the CC-M zoning that is currently on the majority of property. The CC-M District was selected in the current zoning code because of the character of properties along Warsaw Avenue. The CC-M and CC-A districts typically accommodate larger scale retail and commercial services. However, the CC-M district will not allow gas pumps. Therefore, the CC-A district is necessary to accommodate this project.

FINDINGS:

Existing Use: The study area includes residential and commercial uses. The key property contains the existing Kroger Store building which is located at 960 Enright Avenue. Commercial uses are present on the site to be rezoned and along Warsaw Avenue north of the said property. Single and two-family residences also surround the development site particularly on the east, south and west. Multi-family residences and mixed uses exist on the north portion of the study area.

Proposed Use: The purpose of this request is to rezone parcels to allow the property owner to operate a larger, new Kroger Store consisting of approximately 63,000 square feet at their current location.

Analysis: The change of zoning was discussed at the East Price Hill Improvement Association meeting and the consensus was to allow the petitioner to re-establish the proposed business within an appropriate zoning district. Issues raised by the association were either addressed at the Public Staff Conference held on June 15, 2006 or will be addressed at meetings between the Kroger representatives and the East Price Hill Improvement Association. Similarly, the Price Hill Will, a local neighborhood development corporation, supports the zoning change needed to facilitate the expanded Kroger store at that location.

The CC-M District prohibits drive through and fuel sales while CC-A permits these uses. Any reduced required buffer yard set backs will require Hearing Examiner approval. Staff also considered other zoning designations that could allow the proposed business including the CC-P Commercial Community-Pedestrian District which adjoins the development site on the north. The CC-P is deemed inappropriate because it prohibits or limits the uses proposed by the petitioner.

The Department of Transportation and Engineering has been involved in the discussions regarding the proposed project. Depending on the final site plan, traffic improvements such as a signal at McPherson and Warsaw may be warranted.

Community Response:

The East Price Hill Improvement Association (EPHIA) supports the zoning study and change of zoning. The EPHIA wants the Kroger store to continue serving the community and the surrounding area. Similarly, Price Hill Will expressed support for the zone change and the proposed project.

PLANS:

The proposed zone change supports the goals and policies of the East Price Hill NBD Urban Design Plan dated May 2000 and The Coordinated City Plan, Volume 2: Strategies for Comprehensive Land Use created December 1980. Re-establishing and constructing a new grocery store at the site will support the goals and objectives of the above plan.

Conclusions: Staff asserts that CC-A should be adopted since it is in keeping with the goals of the community, will accommodate the proposed development, and is supported by the East Price Hill Improvement Association and Price Hill Will. Furthermore, rezoning the area from SF-2 and CC-M to CC-A will stabilize and enhance the area resulting in greater compatibility with the existing commercial development sustained by Warsaw Avenue. The staff supports the proposed zone change to CC-A for the following reasons:

1. Adopted plans, including the East Price Hill NBD Urban Design Plan dated May 2000 and the Coordinated Comprehensive Plan, Volume 2: Strategies for

Comprehensive Land Use recommend specific uses including business development for the area.

2. The East Price Hill Improvement Association and Price Hill Will support the proposed business and the rezoning of this property to CC-A.
3. The proposed CC-A Commercial Community-Auto Oriented District permits the proposed uses.
4. The proposed development is compatible with the surrounding area and will help to revitalize the neighborhood.
5. The benefits of the proposed project and zone change far outweigh any potential impacts.

RECOMMENDATION:

The staff of the City Planning Department recommended that the City Planning Commission take the following actions:

1. Approve a zone change for the property south of Warsaw Avenue between McPherson and Enright Avenues from a CC-M Commercial Community-Mixed District to a CC-A Commercial Community Auto-Oriented District.
2. Approve a zone change for property on McPherson, Van Vey, and Enright Avenues from an SF- 2 Single-Family District to a CC-A Commercial Community Auto-Oriented District.

DISCUSSION

Mr. Felix Bere, Senior City Planner presented this item.

Mr. Bere gave an overview of the proposal and used a large map of the area to show the Planning Commission members the proposed construction and zoning change requirements. He stated that the East Price Hill Improvement Association (EPHIA) supports the zoning study and change of zoning as described in the staff report.

Mark Jones, Community Development, stated there were some neighborhood concerns that were very recently brought to him regarding landscaping, store design and city streetscape.

Mr. Dan Boller, President of the East Price Hill Improvement Association, stated that the Association is in favor of the proposed larger footprint. He said he is concerned that there has been no resolution regarding the appearance of the store and landscaping. He said granting the zone change would allow Kroger to proceed without addressing neighborhood concerns. He requested that the Planning Commission delay a decision on this issue.

Ms. Mary Hemmer, Paul Hemmer Companies, stated she has been involved with both the neighborhood and Kroger in the development of this project. She stated a delay would be detrimental to the proposal. She said current zoning would allow Kroger to develop this site using their original plan. However, Ms. Hemmer stated that in order to provide an

improved development that is more beneficial for the community the new zoning is needed.

Mr. Faux stated the neighborhood would like some kind of commitment from Kroger to address the neighborhood concerns.

Mr. Rager stated that the City does want this project to go forward. He stated that since the project receives City funding the neighborhood concerns could be addressed prior to releasing city funds.

Motion:	Mr. Tarbell moved approval of Item
Second:	Mr. Rager
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Rager, and Mr. vom Hofe
Nays:	None, motion carried

ITEM #8 A report and recommendation on a zone change for Planned Development District #3 on Panama Street from PD-3 to RF-R in the community of California.

GENERAL INFORMATION:

Location: 5731 and 5749 Panama Street

Owner:

William Schmidter
7540 Algonquin Drive
Cincinnati Ohio 45243

Petitioner:

City of Cincinnati

Purpose:

To apply a zoning designation to the property prior to the expiration of the existing zoning (Planned Development District #3) in February 2007.

BACKGROUND:

In 2000 a Planned Unit Development was approved for the 2.8-acre site. The plan consisted of 20 dwelling units in two buildings to be elevated out of the flood plain. Planned Development District No. 3 (PD-3) was established with the adoption of the Zoning Code in 2004 to reflect the proposed development; however no permits were ever issued for this project. Since construction was not diligently pursued, the PD zoning designation will expire in February 2007.

After conducting a zoning study for the site, staff is proposing that the Riverfront Recreation/Residential (RF-R) is an appropriate zoning designation because it is compatible with the surrounding zoning and with the uses proposed for the site.

EXISTING CONDITIONS:

Adjacent Land Use and Zoning:

North: RF-R
East: RF-R
South: RF-R
West: Ohio River

Existing Plans:

There are no current plans for the California community, however, the California Land Development Use Plan (1978) states that the preferred uses for the California area are commercial, residential and recreation (page 87).

PUBLIC COMMENT:

Department of Community Development and Planning staff conducted a public conference on this zone change request on June 15, 2006. Those in attendance were William Schmidter, the property owner, and adjacent property owners Jean and Mike Davis. City Staff in attendance were Jennifer Walke and Margaret Donohue, Intern. The property owner supports the proposed change. Jean and Mike Davis were concerned about future development of the site. William Schmidter explained future uses would consist of condominiums, single-family homes or boat storage. No objections were raised to the proposed change.

No comment was received from the California Community Council.

ANALYSIS OF PROPOSED CHANGE:

The subject area is located along the Ohio River. The remaining three sides of the subject area are adjacent to RF-R zoning districts. Riverfront Recreation/Residential zoning designation is consistent with the future uses of the site desired by the owner.

CONCLUSION:

1. The property is located along the riverfront.
2. The proposed zoning is compatible with adjacent zoning.
3. The proposed zoning is compatible with proposed uses of the site
4. The California Land Use Development Plan (1978) recommends commercial, residential and recreation uses for the neighborhood.

RECOMMENDATION:

Department of Community Development and Planning staff recommended that City Planning Commission take the following actions:

APPROVE the zone change from PD-3 to RF-R at 5731 and 5749 Panama Street in the California community.

DISCUSSION

Ms. Jennifer Walke, Senior City Planner presented this item.

Motion: Ms. McCray moved approval of Item #8

Second: Mr. vom Hofe
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Rager, and Mr. vom Hofe
Nays: None, **motion carried**

ITEM #9 A report and recommendation on a proposed zone change at 2500-2512 Highland Avenue from the CC-P Commercial Community Pedestrian to CC-M Commercial Community Mixed District and 2446 Highland Avenue from RMX Residential Mixed Multi-Family District to a CC-P Commercial Community Pedestrian in the communities of Mt. Auburn and Corryville.

GENERAL INFORMATION:

Petitioner: Dave Schaff
The JFP Group, LLC
625 Eden Park Drive, Suite 1025
Cincinnati, Ohio 45202

Request: A change of zoning at 2500-2512 Highland Ave. from the CC-P Commercial Community Pedestrian to CC-M Commercial Community Mixed District and 2446 Highland Ave. from RMX Residential Mixed Multi-Family District to a CC-P Commercial Community Pedestrian in the neighborhoods of Mt. Auburn and Corryville.

Adjacent Land Use and Zoning:

South: RMX Residential Mixed 1-3 dwelling units

East: CC-M Commercial Community Mixed
CC-A Commercial Community Auto

North: OG Office General

West: PD Planned Development
RMX Residential Mixed 1-3 dwelling units

Staff Conference: The Planning Division staff held a public conference on this request on Thursday June 22, 2006. Three neighboring property owners and Stanley Broadnax, President of the Mt. Auburn Community Council were in attendance. The three abutting property owners and the Mt. Auburn Community Council were opposed to the zone change for similar reasons, which are outlined below:

5. Concern that the combination of the McMillan Manor development and the two proposed developments on the other corners will overburden the community with increased population and cars.
6. Concern that the drive thru restaurant will increase traffic congestion at the intersection.
7. Concern that there was a lack of community input and minority inclusion early in the developers planning process.

Since the properties included in this zone change request border on two neighborhoods, both Mt. Auburn and Corryville were notified. Notices were sent to property owners within a 400-foot radius of the subject property. Corryville is in support of the proposed zone changes.

Although not required, the JFP Group used the same mailing as city staff and held an informational public meeting in the Mt. Auburn community to explain the zone change and answer questions. In addition, the JFP Group presented their zone change at both the Mt. Auburn and Corryville Community Council meetings.

BACKGROUND:

Zoning History: Historically the northeast (2500-2512 Highland Avenue) and northwest corners of this intersection had commercial zoning and the southeast and southwest corners had multi-family mixed-use transitional zoning. When JFP bought these properties there were mixed-use buildings on the site that have since been demolished.

Existing Use: The properties at 2500-2512 and 2446 Highland Avenue are vacant cleared sites.

Proposed Use – 2500-2512 Highland Avenue: The petitioner proposes to construct a drive-thru Taco Bell restaurant on the site. This restaurant will seat 52 patrons and provide 25 parking spaces along with on-site stacking capacity for 15 cars for the drive-thru.

Proposed Use – Highland Lofts - 2446 Highland Avenue: The petitioner proposes to construct a 30-31 condominium development with 52 parking spaces contained within the building and possible retail space on the first floor facing Highland Avenue.

FINDINGS:

Community Response: As stated above with the summary of the zoning staff conference, the Mt. Auburn Community Council is opposed to the re-zoning of both properties and the Corryville Community Council is supportive of both zone changes.

ANALYSIS:

2500-2512 Highland Avenue – Taco Bell drive-thru restaurant

Historically this intersection has not had or been zoned for auto-related businesses. McMillan Street is a major four-lane arterial with on street parking on both sides of the street. Approximately 19,100 vehicles pass the site daily. Highland Avenue is a four-lane major collector road. Approximately 7,510 vehicles pass the site daily. Based on Department of Transportation and Engineering (DOTe) comments related to the Institute of Transportation Engineers Trip Generation Manual and the Uptown Transportation Study this intersection can't handle a new auto related drive-thru restaurant facility nor a zoning district that permits other types of auto-oriented uses.

Other issues related to a drive-thru restaurant include the location and sound level of the drive-thru speaker, the location and screening of a dumpster, and a potential increase of trash in the neighborhood. Additionally, if this drive-thru restaurant is developed, parking will be a problem. This is a 52-seat restaurant that will employ 50 people. Only 25 parking spaces are being provided.

2446 Highland Avenue – Highland Lofts condominiums

This is a residential mixed area and a condominium development is an appropriate development for the neighborhood. This is an area of multi-family apartment buildings, 2 and 3 family housing and mixed-use structures. More parking spaces than are required will be provided within the building. Ingress and egress will be provided on the two different streets. DOTe is supportive of this development and they do not expect it to have a negative impact on the traffic congestion at this intersection.

CONCLUSIONS:

2500-2512 Highland Avenue - Taco Bell drive-thru restaurant

1. This property has historically been zoned commercial, but has never been an auto-oriented commercial zone.
2. Based on Department of Transportation and Engineering (DOTe) comments related to the Institute of Transportation Engineers Trip Generation Manual and the Uptown Transportation Study this intersection can't handle a new restaurant facility with a drive-thru.
3. The new CC-M zoning designation is not consistent with the current uses at this intersection.
4. The CC-M zoning designation will negatively impact the existing character of the surrounding area and this area cannot handle the type of auto-related uses permitted in this zoning district.
5. The benefits of the proposed use do not outweigh the negative impact on the neighborhood.

2446 Highland Avenue - Highland Lofts condominiums

1. Historically the southeast and southwest corners of this intersection had multi-family mixed-use transitional zoning.
2. The developers of this condominium project will provide more parking spaces than required and will include ingress and egress off different streets.
3. DOTE supports this development and has determined it will not seriously impact the traffic congestion at that intersection.
4. A change of zoning on this one parcel to support the project will not negatively impact the RMX zoning district to the south.
5. The benefits of this proposed development will outweigh any potential negative impact on the neighborhood.

RECOMMENDATION:

The staff of the City Planning Department recommended that the City Planning Commission take the following action:

1. Disapprove a zone change for the property located at 2500-2512 Highland Avenue from the CC-P Commercial Community Pedestrian to CC-M Commercial Community Mixed District for the following reasons:
 - a) This property has historically been zoned commercial, but has never been an auto- oriented commercial zone.
 - b) Based on Department of Transportation and Engineering (DOTE) comments related to the Institute of Transportation Engineers Trip Generation Manual and the Uptown Transportation Study this intersection can't handle a new restaurant facility with a drive-thru.
 - c) The new CC-M zoning designation is not consistent with the current uses at this intersection.
 - d) The CC-M zoning designation will negatively impact the existing character of the surrounding area and this area cannot handle the type of auto-related uses permitted in this zoning district.
2. Approve a zone change for the property located at 2446 Highland Avenue from RMX Residential Mixed-Family District to CC-P Commercial Community Pedestrian for the following reasons:
 - a) Historically the southeast and southwest corners of this intersection were zoned for multi-family mixed-use transitional uses.
 - b) The developers of this condominium project will provide more parking spaces than required and will provide ingress and egress on different streets.
 - c) DOTE supports this development and has determined it will not seriously impact the congestion at that intersection.
 - d) A change of zoning on this one parcel to support the project will not negatively impact the RMX zoning district to the south nor the surrounding neighborhood, thereby mitigating traffic congestion.

DISCUSSION

Ms. Caroline Kellam, Senior City Planner presented this item.

Ms. Kellam made a revision to the staff report to exclude Corryville's comments since no property is actually in that community. She explained the process used to determine the boundary.

Ms. Kellam described the areas, both owned by JFP Group included in the zone change request. She stated the Department of Transportation and Engineering determined the property at 2500-2512 Highland, northeast corner, would not be appropriate for an auto-orientated commercial use due to heavy traffic use on the local streets.

She stated the proposed condominium project proposed for the property located at 2446 Highland would be an appropriate use and recommended approval for that portion of the request.

Mr. Tarbell asked if retail would be considered on the first floor of the condominium development.

Mr. Dave Schaff, JFP Group gave a presentation of the process used to develop the proposal. He asked that the Planning Commission consider Corryville's comments since that community is very close to the area. He gave a history of the area at and around the intersection of Highland and McMillan. He stated that his company believes the zoning changes to be compatible with the neighborhood.

Mr. Schaff requested that the Planning Commission postpone consideration of the 2500-2512 Highland Avenue zone change request to allow time for the JFP Group to work with City staff to address concerns brought up in the staff report and by the City of Cincinnati Department of Transportation and Engineering.

Mr. Terry Jacobs, CEO of the JFP Group, gave an overview of his company and a background of their work in the City of Cincinnati.

Mr. Jaime Overby gave an overview and description of the proposed condominium concept.

Dr. Stanley Broadnax, Mt. Auburn Community Council, stated the Council is not opposed to economic development. He said that his concern is that the condominium project is currently just a concept and egress and parking issues have not been addressed. These issues concern the residents and need to be addressed.

Ms. Betty Allen, Highland Avenue resident stated she is concerned with traffic and parking and is opposed to any kind of drive-thru restaurant.

Ms. Martha Kelly, acting City Traffic Engineer, stated that based on review of preliminary plans of the condominium project, the only concern would be a quick-in quick-out type of retail use in the lower level. However, she stated overall it is an appropriate use. She stated the use of a fast food restaurant at the 2500–2512 Highland Avenue site would cause great concern with traffic and parking.

Mr. Tony Wyde, Hilton Place resident, stated that parking is a great concern and that he does not support any development that would add to the parking problems.

Mr. Todd Wilber, Taco Bell Franchisee, stated that he is looking forward to working with staff and JFP Group to resolve the transportation issues.

Ms. McCray indicated her disappointment with the scale and articulation of the development and indicated that there is no screening between this use and the adjacent residential neighborhood.

Motion:	Mr. Tarbell moved to postpone the zone change for 2500–2512 Highland Avenue to allow the staff time to work with the JFP Group to address the concerns identified by the Department of Transportation; and Mr. Tarbell moved approval of the zone change for 2446 Highland Avenue, from RMX to CC-P.
Second:	Mr. vom Hofe
Ayes:	Mr. Faux, Mr. Tarbell, Mr. Rager, and Mr. vom Hofe
Nays:	Ms. McCray, motion carried

ITEM #10 A report and recommendation on the Sale for Private Redevelopment of approximately 20 acres of property south of River Road to Coldstream Interests, LLC in the neighborhood of Sedamsville.

BACKGROUND / DISCUSSION

Coldstream Interests, LLC (Coldstream), a limited liability corporation controlled by Vandercar Holdings, is working to build the River Road Retail Center. This will be a 660,000 square foot development on the former Conrail rail yard site located on the south side of River Road. Coldstream has options to acquire all of the property in the 68-acre site, with the exception of an approximately 20-acre parcel owned by the City of Cincinnati (City). An appraisal has established the fair market value of the City's approximately 20-acre parcel at \$1,839,200, which Coldstream has agreed to pay.

The project site is located in Riverside and Sedamsville but the City-owned portion is situated entirely in Sedamsville. Approximately 600,000 square feet of the Coldstream development represents a combination of “big-box” retail, smaller retailers, banks and restaurants similar to Vandercar's Center of Cincinnati development in Oakley. A 60,000 square foot office building is also planned for the site. The project will be built over two phases.

The developer intends to apply for designation of the site as a Planned Development (PD) District. As part of that process, Coldstream will submit a concept plan and a development program statement to the City Planning Commission for its approval, as well as a final development plan. The concept plan will describe the proposed land uses, buildings and structures, new street rights-of-way and private driveways, building heights and pedestrian circulation systems, among other features.

The developer will also be required to complete a traffic impact study. The traffic impact study will set forth the public improvements that must be completed in order to accommodate the traffic created by the project.

In order to offset some of the costs of the public improvements, Coldstream is seeking designation of the project site as a Tax Increment Financing (TIF) area. This will require the removal of the project site from the Riverside/Sedamsville/Price Hill TIF District. The three communities – Riverside, Sedamsville and West Price Hill – impacted by this action have consented to the removal of the site from the TIF District. Staff has received letters of support from the Sedamsville Civic Association, the Riverside Civic & Welfare Club, Inc. and the Price Hill Civic Club.

Plans

Staff has reviewed active community and urban renewal plans for both Sedamsville and Riverside. A brief synopsis of recommendations, goals and objectives relevant to the subject property is provided below.

Sedamsville Community Development Plan (July 2003): This plan states in its Zoning and Land Use Section that south of River Road there is a large concentration of commercial uses encompassing a mix of manufacturing and transportation activities related to the river and rail track industry. A significant amount of vacant land in this area represents a potential opportunity for future development (page 4). Plan goals and strategies include:

- Expanding development opportunities for the Conrail site by improving transportation access to the south side of River Road (page 16).
- Developing the south side of River Road to include a parkway theme and amenities that highlights Sedamsville's historic and natural features, where the public right-of-way allows (page 17).

Riverside Strategic Community Plan (March 1, 2002): This plan identifies among its Goals and Objectives improving the neighborhood's physical image and marketability by decreasing neglected properties and attracting responsible, market-driven, consumer-based neighborhood oriented development (page 10).

Riverside-Sedamsville Urban Renewal Plan (July 1997): This plan is based on providing a relocation site for the Produce Industry (page 23). Use of the property is intended as storage and warehouse facilities for produce dealers or similar warehouse and trucking operations (page 26).

RECOMMENDATION

The Department of Community Development & Planning staff recommended that the City Planning Commission take the following action:

Authorize the City Manager to enter into the Contract for Sale for Private Redevelopment of approximately 20 acres of property on River Road with Coldstream Interests, LLC.

DISCUSSION

Ms. Adrienne Cowden, Senior City Planner presented this item.

Ms. Cowden gave a brief overview and history of this proposal. She gave a brief synopsis of the recommendations, goals and objectives in the relevant community plans to the subject property.

Mr. Faux asked if the three plans reviewed by staff were relatively recent. Ms. Cowden stated two of the plans were recent.

Mr. Faux stated this item exemplifies the need for a comprehensive plan for the City of Cincinnati. The Planning Commission is continually put in the position to make piecemeal site-specific decisions without any sense of how this fits into the larger perspective in the City. This site was most likely designated industrial/manufacturing in the past. This piece of property is one of the few large sites remaining in the City that could still be used in that way.

Ms. McCray stated that she is frustrated by the lack of a current comprehensive plan by which to evaluate projects such as this and stated that the Planning Commission needs to hold the City and neighborhoods to a higher standard.

Mr. Chad Munitz, Economic Development Department, stated the project is whole heartedly supported by the community councils. Prior to sale and development there are 14 contingencies that must be met by the developer. There is a two year deadline as well. A traffic study will be done and environmental concerns will be addressed.

Mr. Faux asked if the proposal would ultimately be a retail development with a zone change required. Mr. Munitz stated that a zone change would be required.

Mr. Rager explained that the this property would require a PD designation in the future. He also explained the financial benefits to the city from this project.

Mr. Faux stated that a comprehensive plan is needed to make decisions that are in the best interest of the City and not individual communities. He stated that the real issue is what is the best use of this property.

Mr. Rager stated that there are many industrial pieces of property available in the City for development and/or redevelopment.

Ms. McCray stated that she is happy that this project will have to come back to the Planning Commission as a PD.

Mr. Rager stated that the three neighborhoods did have conditions for the agreement that this project would be put in a project TIF and removed from a district TIF. The developer did not want to have those conditions in the contract the neighborhoods insisted that those conditions become part of the PD. But, it will be incumbent on the Planning Commission whenever the PD comes forward to include the neighborhoods requirements as part of the project TIF in the PD conditions.

Mr. Tarbell stated that although he will support this proposal, he feels that long term this is not the best use for the property or the TIF money.

Ms. McCray stated that these are the types of projects that should no longer be received by the Planning Commission without a comprehensive plan. We will look to Mr. Tarbell and City Council Members to address this issue.

Motion: Mr. Rager moved approval of Item #10
Second: Mr. Tarbell
Ayes: Mr. Tarbell and Mr. Rager
Nays: Mr. Faux, Ms. McCray and Mr. vom Hofe, **motion denied**

Motion: Ms. McCray moved disapproval of Item #10
Second: Mr. Faux
Ayes: Mr. Faux, Ms. McCray and Mr. vom Hofe
Nays: Mr. Tarbell and Mr. Rager, **motion carried**

Mr. Faux stated that the disapproval is based on inconsistency with the most recent city comprehensive plan and that it is not the City Planning Commission's view that this is the best use of the property in the interest of the City as a whole.

ITEM #11 A report and recommendation on a petition to dissolve the Hamilton County Regional Planning Commission (HCRPC) and transfer all HCRPC functions and duties to a new County planning commission.

BACKGROUND:

Community planning structure and practice has changed dramatically since HCRPC's establishment 77 years ago when it was one of a few planning organizations in the county. Today, in addition to HCRPC there are 37 municipal planning commissions and planning and zoning boards in most of the 12 townships. Hamilton County's planning structure must be reinvented to better respond to the current and future needs of the County.

The Hamilton County Commissioners support converting the planning commission from a regional form to a county form. Some of the reasons provided for converting to the county planning commission form are as followings:

1. The proposed county planning commission structure is a better fit for the current funding of the planning commission. In 2005, the Board of County Commissioners provided 94% of HCRPC funding. When the regional planning

- commission was initially established, local governments equally contributed to the commission's appropriations.
2. The proposed county planning commission structure eliminates current inequities in local fees and services. HCRPC's services are provided to each of Hamilton County's 49 local governments even though annual fees for local governments to be members are voluntary. In 2005, 55% of the 49 jurisdictions elected not to pay the annual fee.
 3. Implementation of Hamilton County's 2030 Plan requires greater alignment of Board of County Commissioners (BOCC) goals, planning initiatives and other county department work programs. The proposed county planning commission structure facilitates this desired alignment and collaboration since the planning department will report directly to the County Administrator, just like other county departments.
 4. Eliminating state audits will result in biannual savings of at least \$14,000 in addition to annual savings related to the staff time required for audit preparation.
 5. Greater productivity of planning staff will be possible by eliminating the need for time spent annually on administrative tasks related to coordinating membership, recruitment, marketing, fee schedules, invoices, and collection necessary to sustain regional planning commission membership.
 6. Planning Partnership, the long range planning committee, will be structured as a more inclusive action oriented alliance of all planning commissions.
 7. The proposed county planning commission structures enables greater potential for future consideration of a joint city/county planning commission to address the interconnected problems and opportunities of our urban core and urban county.
 8. The three County Commissioners or their appointed alternatives will serve on the County Planning Commission thereby increasing their awareness of, and participation in, planning commission initiatives.

The Ohio Revised Code §713.22 provides that a board of county commissioners or a county may, and on petition of the planning commissions of a majority of the municipal corporations in the county having those planning commissions shall, provide for the organization and maintenance of a county planning commission.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommended that City Planning Commission take the following action:

Approve the attached Resolution to petition the Hamilton County Board of County Commissioners to organize and maintain a county planning commission;

Approve the transfer of all functions, powers and duties of the Hamilton County Regional Planning Commission to the Hamilton County Planning Commission on the effective date of establishment of the Hamilton County Planning Commission;

Approve the dissolution of the Hamilton County Regional Planning Commission on the effective date of the Hamilton County Planning Commission.

DISCUSSION

Ms. Katherine Keough-Jurs, Senior City Planner presented this item.

Ms. Keough-Jurs gave a brief overview of the petition.

Mr. Tarbell stated that he would not support a petition that takes power away from the City.

Motion: Ms. McCray moved disapproval of Item #11
Second: Mr. Rager
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Rager, and Mr. vom Hofe
Nays: None, **motion carried**

OTHER BUSINESS

Mr. Faux stated that he would like to re-visit the Outdoor Eating and Drinking ordinance. He requested that staff look into putting the issue on the August 4, 2006 agenda in order to possibly come up with a compromise with the City Council.

ADJOURN

Motion: Mr. McCray moved to adjourn.
Second: Mr. Rager
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Rager, and Mr. vom Hofe
Nays: None, **motion carried**

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____